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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------|-------------|----------------------|---------------------|------------------|
| 10/664,526 | 09/17/2003 | Robert J. Apel | DOM1091-203 | 4289 |
| 8698 | 7590 | 08/16/2005 | EXAMINER | |
| STANDLEY LAW GROUP LLP | | | GARRETT, ERIKA P | |
| 495 METRO PLACE SOUTH | | | | |
| SUITE 210 | | | ART UNIT | |
| DUBLIN, OH 43017 | | | PAPER NUMBER | |
| | | | 3636 | |

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/664,526

Applicant(s)

APEL, ROBERT J.

Examiner

Erika Garrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed on 6/8/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Jenn (4,685,260). Jenn discloses the use of residential housing arrangement (20) comprising a first and second property lot, the property lots sharing a common property line; a first and second independent living unit, the independent living units positioned on the respective first and second property lots, the first and second independent living unit structurally attached to each other by a commonly property line passing through see figure 1. In regards to claim 14, wherein the independent living units are of different sizes. In regards to claims 15, wherein the common space further comprises a center wall, see figure 1-3. In regards to claim 16, wherein the common space is a private room. In regards to claim 17, wherein each independent living unit has an attached garage, see figure 2. In regards to claim 18, wherein each independent living unit has an outside entry. In regards to claim 19, wherein the respective outside entries face in the same direction.

Claims 13-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Taylor (4,575,977). Taylor discloses the use of residential housing arrangement comprising a first and second property lot (22 and 24), the property lots sharing a common property

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line; a first and second independent living unit, the independent living units positioned on the respective first and second property lots, the first and second independent living unit structurally attached to each other by a commonly property line passing through see figure 1. In regards to claim 14, wherein the independent living units are of different sizes. In regards to claims 15, wherein the common space further comprises a center wall (52), see figure 1-3. In regards to claim 16, wherein the common space is selected from the group consisting of a Florida room with screen or windows, a porch, a hallway, **a breezeway**, a private or shared activity room, a private or shared laundry room, a dining room, and an exercise room. In regards to claim 17, wherein each independent living unit has an attached garage (46). In regards to claim 18, wherein each independent living unit has an outside entry. In regards to claim 19, wherein the respective outside entries face in the same direction.

Claims 13-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Finnegan (4,007,565). Finnegan discloses the use of residential housing (100) arrangement comprising a first and second property lot (106,110), the property lots sharing a common property line; a first and second independent living unit, the independent living units positioned on the respective first and second property lots, the first and second independent living unit structurally attached to each other by a commonly property line passing through see figures 1-4. In regards to claim 14, wherein the independent living units are different sizes. In regards to claims 15, wherein the common shared portion comprises a center wall, see figure 1-3. In regards to claim 16, wherein the common space is selected from the group consisting of a Florida room with

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screen or windows, a porch, a hallway, a **breezeway**, a private or shared activity room, a private or shared laundry room, a dining room, and an exercise room. In regards to claim 17, wherein each independent living unit has an attached garage (102,104), see figure 2. In regards to claim 18, wherein each independent living units each has an outside entry, figure 1. In regards to claim 19, wherein the respective outside entries face in the same direction.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Raynor (5,469,673). Raynor discloses the use of residential housing unit (10) comprising two independent living units (44,46), common space (84) wherein the common space connects the two independent living units, wherein the common space is divided between the two property lots, see figures 1-4. In regards to claim 14, wherein the independent living units are different sizes. In regards to claim 15, wherein the common space further comprises a center wall (82). In regards to claim 16, wherein the common shared portion is selected from the group consisting of a Florida room with screen or windows, a porch, a hallway, a **breezeway**, a private or shared activity room, a private or shared laundry room, a dining room, and an exercise room. In regards to claim 5, the living units are deeded to two owners. In regards to claim 17, wherein each independent living unit has an attached garage (70), see figure 2. In regards to claim 18, wherein each independent living units each has an outside entry (72), figure 1. In regards to claim 19, wherein the respective outside entries face in the same direction.

Response to Arguments

Applicant's arguments filed 6/8/05 have been fully considered but they are not persuasive.

In regards to applicant argument that Jenn fails to "*disclosed a first and second properly lot*". The applicant attention is drawn to figures 2-6, where it shows a first and second property lot. The examiner is of the opinion that Jenn does disclose a first and second property lot, since the housing arrangement consist of four different living units.

In regards to applicant argument that Raynor fails to "*disclosed a first and second properly lots and a commonly shared portion between the lots*". The applicant attention is drawn to the claim language "structurally attached to each other by a common space". The examiner is of the opinion that Raynor does disclose a first and second property lot and the wall (82) between the property lots is structurally attached to each other.

In regards to applicant argument that Finnegan fails to "*disclosed a first and second properly lots and a commonly shared portion between the lots*". The applicant attention is drawn to the claim language "structurally attached to each other by a common space". The examiner is of the opinion that Finnegan does disclose a first and second property lot and the wall; grass or garage on figure 1 is structurally attached to the independent housing units.

In regards to applicant argument that Taylor fails to "*disclosed a first and second properly lots and a commonly shared portion between the lots*". The applicant attention is drawn to the claim language "structurally attached to each other by a

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common space". The examiner is of the opinion that Taylor does disclose a first and second property lot and the wall (64) between the property lots is structurally attached to each other.

Conclusion


THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

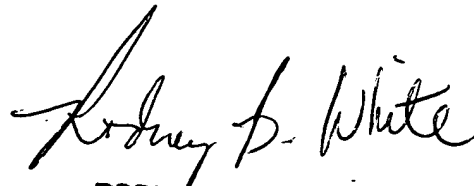
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika Garrett whose telephone number is 571-272-6859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


EG
August 11, 2005


RODNEY B. WHITE
PRIMARY EXAMINER